

Application Serial No.: 09/442,646
Reply to Office Action dated March 31, 2004

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-25 are presently active in this case.

Claims 6-8, 16-18, and 23 are allowed. Claim 25 has been indicated as being allowable if rewritten in independent form.

In the outstanding Official Action, Claims 1-5, 9-15, 19-22, and 24 were rejected under 35 U.S.C. 102(e) as being anticipated by Silverbrook (U.S. Patent No. 6,56,181). For the reasons discussed below, the Applicant traverses the anticipatory rejection.

In the Office Action, the Silverbrook reference is indicated as anticipating each of Claims 1-5, 9-15, and 19-22. However, the Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be demonstrated below, the Silverbrook reference clearly does not meet each and every limitation of the independent Claims 1, 10, 19, 21, and 22.

Claim 1 of the present application recites a method of determining whether a storage unit in an ink cartridge is normal, which includes a step of reading a piece of ink related information and identifying whether the read-out piece of ink related information satisfies the predetermined format, so as to determine whether the storage unit is normal or whether the storage unit is not normal if the read-out piece of ink related information has been destroyed. Claim 10 recites a printer comprising a reading unit reading a piece of ink related information from a storage unit, and a decision unit identifying whether the read-out piece of ink related

information satisfies the predetermined format so as to determine whether the storage unit is normal or whether the storage unit is not normal if the read-out piece of ink related information has been destroyed. Claim 21 recites a computer readable recording medium, on which a specific computer program is recorded that is used to determine whether a storage unit is normal. The specific computer program comprises a program code that causes a computer to read a piece of ink related information, a program code that causes the computer to identify whether the read-out piece of ink related information satisfies the predetermined format, and a program code that causes the computer to determine that the storage unit is not normal in the case where the read-out piece of ink related information does not satisfy the predetermined format if the read-out piece of ink related information has been destroyed. And Claim 22 recites a method of determining whether a readable and writable storage unit is normal comprising the steps of reading a piece of ink related information from the storage unit, and determining whether the storage unit is normal based on the read-out piece of ink related information or whether the storage unit is not normal if the read-out piece of ink related information has been destroyed.

The Applicants respectfully submit that the Silverbrook reference does not disclose any type of determination as to whether a storage unit is not normal if a read-out piece of ink related information is destroyed, as recited in pending independent Claims 1, 10, 21, and 22.

Firstly, the Applicants note that the Silverbrook reference (U.S. Patent No. 6,565,181) has a filing date of October 22, 2001, which is after the U.S. filing date of the present application of November 18, 1999. The '181 Silverbrook reference was a continuation-in-part application of U.S. Patent No. 6,362,868, which was filed on July 10, 1998. Accordingly, only the information that has support in the '868 patent can be used as a

reference against the present application.

The Applicants submit that the Silverbrook reference describes a print media and ink supply means adapted to supply a printing mechanism with ink and printing media upon which the ink is to be deposited. The media and ink supply means include a roll of media rolled upon a media former within the media and ink supply means and at least one ink reservoir integrally formed within the media and ink supply means and adapted to be connected to the printing mechanism for the supply of ink and printing media to the printing mechanism. Figure 204 depicts information stored within a flash memory store (701). The information includes information about the media and the ink, as well as an authentication key. The Silverbrook reference describes using the authentication key in order to determine whether the device has been tampered with. (See, e.g., column 165, line 48, through column 166, line 46, and column 167, line 29, through column 168, line 14.)

The Applicants note that the Silverbrook reference does not determine whether a piece of information satisfies a predetermined format based upon *ink related information*, but rather the Silverbrook reference describes utilizing an authentication key to prevent an attacker from accessing information on the chip and utilizing the device. The Silverbrook reference does not utilize the ink information depicted in Figure 204 to determine whether the storage unit is normal. The authentication key is described as the device used to protect the integrity of the apparatus.

Additionally, the Silverbrook reference does not make a determination as to whether that information is *destroyed*, but rather whether the authentication key has been altered. Note that the term “altered” is not synonymous with the term “destroyed.”

Accordingly, the Silverbrook reference neither discloses nor suggests a method,

printer, or computer readable recording medium in which a determination is made regarding whether a storage unit is not normal if a read-out piece of ink related information is destroyed. To the contrary, the present invention as recited in Claims 1, 10, 21, and 22 requires the determination of whether a storage unit is normal based on the ink related information or whether it is not normal if the ink related information has been destroyed. Thus, the Applicants respectfully submit that Claims 1, 10, 21, and 22 are not anticipated by the Silverbrook reference.

Claim 19 recites a storage unit comprising an address counter that outputs a count in response to a clock signal output from the printer, and a storage element that stores plural pieces of specific information including a piece of ink related information registered in a predetermined format and that is sequentially accessed based on the count output from the address counter. The Applicants submit that the Silverbrook reference does not disclose such features.

The Official Action does not cite any particular portion of the Silverbrook reference for the teaching of Claim 19 of the present application. The Applicants submit that the Silverbrook reference does not disclose an address counter that outputs a count in response to a clock signal output from the printer, and a storage element that stores plural pieces of specific information including a piece of ink related information registered in a predetermined format and that is sequentially accessed based on the count output from the address counter, as recited in Claim 19. Thus, the Applicants respectfully submit that the Silverbrook reference does not anticipate Claim 19 of the present application.

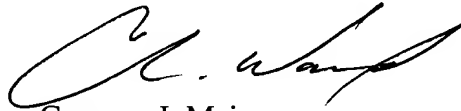
Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejection of Claims 1, 10, 19, 21, and 22, and the claims that depend therefrom.

Application Serial No.: 09/442,646
Reply to Office Action dated March 31, 2004

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'G. Maier', written over a horizontal line.

Gregory J. Maier
Registration No. 25,599
Attorney of Record

Christopher D. Ward
Registration No. 41,367

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220

GJM:CDW:brf
I:\atty\cdw\4947\4947 0087\am4.doc